

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(CrL).No. 156 OF 2007(S)

PETITIONER:

VIJAYAKUMARAN PILLAI, AGED 44,
S/O KOCHUKRISHNA PILLAI,
KOTTAPURATHU KALLELIL HOUSE,
MUTHUKULAM SOUTH P.O.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
KAYAMKULAM.
4. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF CIRCLE INSPECTOR OF POLICE,
NARIPAD.
5. THE SUB INSPECTOR OF POLICE,
THRIKKUNNAPUZHA POLICE STATION.
6. SREEJITH G. UNNITHAN, S/O OMANAKUTTAN,
SREEBHAVANAM, DESATHINAKAM,
PERUNGALA P.O., KAYAMKULAM.
7. OMANAKKUTTAN, SREEBHAVANAM,
DESATHINAKAM, PERUNGALA P.O.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
GOVT. PLEADER SRI. K.C. SANTHOSH KUMAR.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE FIR DATED 20.6.2007 IN CRIME
 NO. 114/2007

RESPONDENTS' EXHIBITS:

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R.RAMAN & K.HEMA, JJ.

W.P. (Cr1) .NO.156 OF 2007

Dated this the 29th day of June, 2007

JUDGMENT

Raman, J.

Petitioner is the maternal uncle of Chithra Chandran, the alleged detenu who is stated to be missing since 18/6/2007 from her parental home. It is alleged that she is detained against her wish and will by respondents 6 and 7. The 6th respondent is the son of the 7th respondent. It is also stated that the father and the mother of the detenu because of the mental shock, due to the missing of their daughter, were unable to approach this Court and hence the Uncle has filed this writ petition. Pursuant to the notice issued, parties have entered appearance. The alleged detenu, Chithra Chandran was produced.

2. A counter affidavit is filed by the 7th respondent. Though the petitioner would allege that respondents 6 and 7 have some criminal antecedents, the same is denied in the counter affidavit filed by the 7th respondent. It is also denied that the alleged detenu, Chithra Chandran was physically taken by them. On the other hand, in the counter affidavit it is stated that Chithra Chandran has attained majority and

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she left her parental home on her own volition on account of the cruelty meted out to her. We interacted with Chithra Chandran. She said that she is above the age of 18 years. The relevant extract of the S.S.L.C. Book was produced for perusal by the learned Government Pleader. It shows that her date of birth is 30/5/1989 and she has complete her 18 years of age on 30/5/2007. According to her, she is not in the illegal custody of respondents 6 and 7 and that she left her parental home on her own will and volition as she developed affinity towards the 6th respondent and has decided to marry him. But the 6th respondent at present is only aged 19 years and he could not enter into any valid marriage with the alleged detenu. We have also interacted with the parents of the girl, who were present, as well as the parents of the boy. We have also allowed the father and mother of the girl to have a free talk with their daughter and later we took up the matter again and interacted the parties, when the father of the girl admitted that the girl is not prepared to go along with them. The alleged detenu, Chithra Chandran also submitted before us that she is undergoing her studies in the University Institute of Technology, Adoor for B.B.A. and she wants to continue her studies and she

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would like to stay in the "Matha Women's Hostel" in the same building where the educational institution is also housed, if arrangements could be made. The father of the girl submitted that he is a coolie and not in the financial position to meet the hostel charges and that too when the girl is not prepared to go with them. On the other hand the father of the boy offered to meet the hostel expenses of the girl. It was also submitted that the boy got an employment in Indo-Tibetan Border Police and he has to join duty shortly.

3. In the factual situation as stated above, we do not find that she is under the illegal custody of respondents 6 and 7. At the same time, since the girl wants to continue her studies and is prepared to stay in the hostel and the father of the boy having agreed to meet the expenditure of the hostel voluntarily, we direct that the girl be admitted in the "Matha Women's Hostel, Adoor so that she could continue her studies and her monthly charges towards hostel expenditure will be met by the 7th respondent, to which course all the parties agreed.

4. We also direct the Warden of the Hostel to provide

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residential accommodation to the alleged detenu, Chithra Chandran. The initial expenditure required will be met by the 7th respondent and continue to remit monthly expenditure without fail. The parents of the girl and boy are free to visit the girl to ascertain her well beings in the presence of the hostel Warden.

5. Miss. Kavitha Gangadharan, Advocate of this Court is appointed as Amicus Curiae to assist this Court to implement this order, who shall see that the alleged detenu is admitted in the hostel. The parents of the girl and the 7th respondent will accompany her to the hostel.

A copy of this order shall be given free of costs to the parties and amicus curiae.

**P . R . RAMAN ,
Judge .**

**K . HEMA ,
Judge .**

kcv .

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